

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.72239 of 2022**

Arising Out of PS. Case No.-78 Year-2020 Thana- MAHILA P.S. District- Kaimur (Bhabua)

CHHATHU YADAV @ TATU YADAV SON OF SHIV MURAT YADAV R/O  
VILLAGE- MADURNI, P.S.- CHIANPUR, DISTRICT- KAIMUR  
(BHABHUA), BIHAR- 821106

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Kundan Kumar Ojha, Advocate

For the Opposite Party/s : Ms. Madhuri Lata, Advocate

**CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY**  
**ORAL ORDER**

3      18-01-2023                      Heard learned counsel for the petitioner and learned  
APP for the State.

The petitioner has renewed his prayer for bail in a case registered under sections 376(2)(g), 323, 341, 504 and 34 of the Indian Penal Code.

The earlier prayer for bail of the petitioner was rejected vide order dated 30.9.2021 passed in Cr. Misc. no. 20503 of 2021.

As per the prosecution case all the five accused persons including the petitioner came near the informant, forced the other girls to leave and it is stated that two of the boys caught the informant while Dhananjay Yadav committed rape on her.



It is submitted by learned counsel for the petitioner that inspite of the direction of this Court to expedite the trial by its order dated 30.9.2021 the trial has still not concluded. All the accused including the main accused on whom the allegation of committing of rape is concerned ie Dhananjay Yadav have already been enlarged on bail. The petitioner is in custody since 2.10.2020 and undertakes to abide by the conditions which may be laid for his release on bail.

Heard learned APP for the State.

Having heard learned counsel for the parties and taking into consideration that there is no direct allegation against this petitioner of having committed rape, grant of bail to co-accused Dhananjay Yadav and the trial having still not concluded inspite of the petitioner being in custody for more than two years since 2.10.2020, the Court directs the petitioner to be enlarged on bail in connection with Bhabhua (Mahila) P.S. Case no. 78 of 2020 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Addl. Sessions Judge I, Bhabhua, Bihar subject to the following conditions :

That the petitioner shall remain physically present in Court on each date of the trial and shall cooperate in the trial.



In case the learned Trial Court is of the opinion that the trial is being delayed due to non-cooperation on part of the petitioner, the learned Trial Court may cancel the bail bond of the petitioner and take him into custody till conclusion of the trial.

**(Partha Sarthy, J)**

Prakash/-

|  |  |  |  |
|--|--|--|--|
|  |  |  |  |
|--|--|--|--|

